

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 33516 of 1998

Between:

Ganga Narsimhulu, S/o Ramulu, Hindu,
R/o Pathrunivalasa Post, Arasavalli Via,
Srikakulam Mandal, Srikakulam District.

..... PETITIONER

AND

- 1 The Andhra Pradesh State Electricity Board, Rep by its
Member-Secretary, Vidyuth Soudha, Khairatabad, Hyderabad.
- 2 The Superintending Engineer, Operation, A.P.S. Electricity Board,
Srikakulam District.
- 3 The Superintending Engineer, Operation Circle,
A.P.S.Electricity Board, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring that the Petitioner is entitled for appointment to the post of initial cadre in pursuance of interviews held by letter No.SC/O/Skl/Adm/A/D.No.1876/97 dt. 10.9.97 issued by the action of the respondent with all consequential benefits, by holding the action of the respondents in rejecting to absorb/the petitioner in the initial cadre of appointment by letter No.SE/O/Skl/Adm/A1/D.No/1404/98 dt.1.6.98 issued by 2nd respondent herein on the sole ground that petitioner have not produced the original document in support of Man-days worked as ex-casual Labour in APSEB is illegal, arbitrary and discriminatory and subversive of articles 14 & 16 of Constitution of India and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondents: MR.SAMINENI KISHORE, SC FOR APSEB

The Court made the following ORDER:

This writ petition is filed seeking a *Mandamus* declaring that the petitioner is entitled for appointment to the post of initial cadre in pursuant to the interviews held on 16.09.1997, by holding the action of the respondents in rejecting to absorb the petitioner in the said cadre by letter dated 01.06.1998, as arbitrary and illegal.

It is the case of the petitioner that he was engaged as a casual labour and worked at the Operation Division of Srikakulam, under the control and jurisdiction of the Superintending Engineer, Operation Circle, Srikakulam—second respondent herein for a continuous period of

157 days during the years 1980-81. Later, his services were retrenched along with other workers. During the year 1989, consequent upon a policy decision taken by the A.P.S.E.B, for consideration of the representations of the workers Union, selections were conducted by the respondents to interview the retrenched casual labourers and to select the eligible and qualified among them, for absorption in the future vacancies. A notification was issued in Telugu Daily News Paper “Andhra Bhoomi” on 30.01.1989, wherein the name of the petitioner was shown at Sl.No.88, showing that he had worked for 157 days and therefore, he is entitled for selection to any post in A.P.S.E.B. In the said selections, several retrenched workers were left unabsorbed though they were eligible and qualified. Therefore, in the year 1997, the respondents again took up the process of conducting selection of the eligible retrenched casual labourers for absorption into the regular establishment, as per the terms of B.P.Ms.No.36 dated 18.05.1997. Since the petitioner was not given opportunity in the said process, he filed W.P.No.13903 of 1997 before this Court. This Court, on 08.07.1997, allowed the writ petition directing the respondents to consider the case of the petitioner for absorption along with other eligible candidates. In pursuance of the directions issued by this Court, call letter was issued to the petitioner on 10.09.1997, calling upon him to appear for the interview on

16.09.1997 along with the certificates. Though he appeared for interview on 16.09.1997, his case was rejected by communication, dated 01.06.1998 i.e., about one year thereafter, informing that he failed to produce the original documents in support of mandays worked by him, as a casual labour in A.P.S.E.B. Hence, the present Writ Petition.

A detailed counter-affidavit has been filed by the respondents disputing and denying the allegations made by the petitioner. It is asserted that the case of the petitioner was considered earlier, but he failed in the selection test and the same was informed to him by letter dated 12.07.1993. Further, in pursuance of the directions issued by this Court in W.P.No.13903 of 1997, the case of the petitioner was considered along with others. But, when the petitioner attended the interview on 16.09.1997, he failed to produce the original documents in support of mandays worked, as Ex-casual labour in A.P.S.E.B. Therefore, his case was not considered.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side, and perused the entire material available on record.

The only ground, on which, the case of the petitioner rejected was that he did not produce the certificates in original. According to the petitioner, in the notification issued by the A.P.S.E.B or in the interview letter, the petitioner was not called upon to produce any certificates either in original or in duplicate. Therefore, non-production of any certificates by the petitioner, particularly as to the number of mandays of service rendered by him does not arise. The very notification issued by the respondents in the Telugu Daily News Paper "Andhra Bhoomi" on 30.01.1989 itself would show that the petitioner had worked for 157 mandays. Therefore, the petitioner is entitled to be considered for any post in the A.P.S.E.B.

From the above it is clear that the reasons given for rejecting the case of the petitioner are arbitrary and irrelevant. Therefore, the respondents are directed to consider the case of the petitioner and if they feel that the petitioner should produce any certificates in original or duplicate, they shall intimate the same to the petitioner before subjecting him to any interview and selection, if necessary, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

C.V. Ramulu, J

Date: 04.07.2005

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To

- 1 The Member-Secretary, Andhra Pradesh State Electricity Board,
Vidyuth Soudha, Khairatabad, Hyderabad.
- 2 The Superintending Engineer, Operation, A.P.S. Electricity Board,
Srikakulam District.
- 3 The Superintending Engineer, Operation Circle,
A.P.S.Electricity Board, Visakhapatnam District.
- 4 Two CD Copies